

**CITY COUNCIL OF THE CITY OF LADUE
ST. LOUIS COUNTY, MISSOURI
MONDAY, APRIL 25TH, 2022**

The meeting of the City Council of the City of Ladue, St. Louis County, Missouri, was held on Monday April 25th, 2022, at 4:00 p.m., at City Hall, 9345 Clayton Road, and via Zoom. The following members were present:

The Hon. Nancy Spewak, Mayor, presiding.

Members of the Council present:

Stacey Kamps
John Fox
Patrick Hensley
William Brennan (via Zoom)
Harold Burroughs
John Howell

Six Council Members present.

Also, present Police Chief Ken Andreski, Jr.; Fire Chief Steven Lynn; Mr. Roger Stewart, Building Commissioner; Ms. Andrea Sukanek, City Planner; Ms. Lamitola, Director of Public Works; Ms. Erin Seele, City Attorney; and Ms. Stacey Mann, City Clerk.

Approval of the Agenda: Council Member Fox moved approval of the agenda, upon second by Council Member Howell the motion passed unanimously.

Approval of the Minutes: Mayor Spewak asked if there were any amendments, corrections, or clarifications to the minutes of the Regular and Closed Meetings of March 28, 2022, and the Special and Closed Meeting Minutes of April 1, 2022, Council Member Hensley moved approval of the minutes as submitted; upon second by Council Member Kamps, the motion passed unanimously.

Presentation:

Chief Andreski and Mayor Spewak presented to Officer Blake Wunderlich a letter of commendation.

Oath of Office:

Stacey Mann, City Clerk, announced the results of the April 5th, 2022, General Municipal Election, and administered oaths of office to Council Members Kamps, Hensley, and Burroughs.

Public Forum:

Mr. John Levy, 215 Graybridge, raised concerns about the implementation of the proposed antennas, and would like more information to be provided on the technology.

Public Hearings:

PH1: The City Council will hold a Public Hearing regarding a request for a Special Use Permit to install a cellular antenna on a utility pole in the public right-of-way of McKnight Road adjacent to 1 Robin Hill Lane. Proposed antenna is 77' in height in the B residential zoning district.

Council Member Fox moved to open the public hearing, with second by Council Member Burroughs the motion passed unanimously. Mayor Spewak announced that this application was forwarded to the Council from the Zoning & Planning Commission without recommendation.

Mr. Joe Markus, Land Services Manager for Black & Veatch, provided a PowerPoint presentation that highlighted the three proposed small cell antennae installations. Mr. Markus stated that Ladue has suffered from poor cellular coverage since the technology's inception, and with stay-at-home orders implemented during the pandemic, the lack of service was problematic. Mr. Markus explained that due to the topography and tall dense foliage, service suffered. Mr. Markus provided aerial photos, and renderings of the proposed antennas.

City Attorney Seele provided to Council an open memo prior to the meeting that discussed the limitations of Council due to state and federal requirements. Ms. Seele reminded Council that they cannot consider alternative locations, or base decisions on health.

Mr. Burroughs asked what the height of the poles were along Warson Road. Mr. Markus stated that the utility poles on Warson Road were 80-85' tall.

Dr. Andy Rouse, 440 S. Price Road, read the April 26, 2021, report from the Ladue Cell Advisory Committee and noted that the first recommendation of the Committee was to implement a three-step process to discuss cellular deficiencies, which would include education, surveying, and marketing. Dr. Rouse stated that the report provided by the committee, does not recommend the installation of 70' towers or antennas. Dr. Rouse added that he is in opposition of the special use permit.

Mr. David Bird, 1 Robin Hill Lane, spoke in opposition of the proposed special use permit for a cellular antenna at McKnight and Robin Hill Lane. Mr. Bird stated that the installation of the antenna would reduce the beauty of Ladue, reduce property values, and would create a safety hazard should the antenna fall. Mr. Bird provided photos to the Council for their review.

Mr. Wiese, member of the Cell Advisory Committee, stated that the intent of the advisory committee was to increase communications, particularly in areas with difficult topography with poor coverage. Mr. Wiese added that poor coverage is a safety concern, and was a concern raised by residents during the comprehensive plan update.

Ms. Patricia Rouse, 440 S. Price Road, distributed documents to Council for their review, including a copy of Ordinance 2273, and a map of Robin Hill. Ms. Rouse spoke in opposition of the proposed special use permits on the agenda, noting that aesthetically, towers of this size in a residential neighborhood, would significantly impact property values. Ms. Rouse added that she felt that it would be unethical to degrade the values of some homes, to increase the values of others. Ms. Rouse

noted that choices do exist, and other locations such as St. Peters chapel should be explored, or improvements to existing towers.

Ms. Rouse also expressed concern over the lack of limitations in Ordinance 2273, that would allow for an applicant to apply to install these antennas at multiple locations.

Council Member Kamps asked if the existing tower at the fire station could be improved. Mr. Markus stated that to improve the 90' stealth tree currently in place, it would need to be removed and replaced with at least a 150' tree to reach the areas that lacked coverage.

Mr. Ron Humphrey, Radio Frequency Engineer with AT&T, stated that the antennas had to be appropriately spaced so that they do not cause interference.

Mr. Peter McGowan, 3 Robin Hill Lane, requested that the matter be researched and investigated further before a vote occurs. Ms. Seele stated that due to time restrictions, a vote must take place during the hearing.

Mr. John Peterson, 7 Robin Hill Lane, stated that he did not believe that the pole would be effective.

Mr. Bommarito stated that he thinks that it would be more helpful in the future if residents were notified earlier. Mr. Bommarito added that this would affect property values and would not be an asset. Ms. Lamitola provided an overview of the notification process.

Council Member Hensley stated that poor coverage affects the signal strength for alarm systems and medical devices, which is public safety concern.

Ms. Seele announced that the notice for the hearing, the entire Code of Ordinances including Ordinance 1175, the entire file including the application, Zoning & Planning Commission recommendation and staff report was available and made part of the official record.

Council Member Burroughs moved to close the public hearing, with second by Council Member Hensley the motion passed unanimously. Council Member Fox moved to approve the special use permit to install a cellular antenna on a utility pole in the public right-of-way of McKnight Road adjacent to 1 Robin Hill Lane, with second by Council Member Burroughs the motion passed unanimously.

PH2: The City Council will hold a Public Hearing regarding a request for a Special Use Permit to install a cellular antenna on a utility pole in the public right-of-way of Lay Road adjacent to 35 Fair Oaks. Proposed antenna is 64.6' in height in the C residential zoning district.

Council Member Howell moved to open the public hearing, with second by Council Member Fox the motion passed unanimously. Mayor Spewak announced that this application was forwarded to the Council from the Zoning & Planning Commission with a recommendation for approval.

Mr. Wiese, 2 Fair Oaks Dr, spoke in favor of the antenna, and believes that property values will be positively impacted.

Mr. John Galanis, 35 Fair Oaks, spoke in opposition of the proposed antenna, stating that it would the aesthetic of the neighborhood and wouldn't compliment the character of the neighborhood.

Mr. Chris Roberts, 35 Fair Oaks, spoke in opposition of the proposed antenna, stating that it would adversely affect the adjacent trees, and natural beauty of the neighborhood. Mr. Roberts stated that based on the maps provided by Mr. Markus, the antenna would benefit the residents of Richmond Heights, more than the residents of Ladue, and is concerned with impacts the antenna would have on property values.

Ms. Kelly Roberts, 35 Fair Oaks, spoke in opposition of the proposed antenna, airing concern over potential health impacts.

Ms. Seele announced that the notice for the hearing, the entire Code of Ordinances including Ordinance 1175, the entire file including the application, Zoning & Planning Commission recommendation and staff report was available and made part of the official record.

Council Member Hensley moved to close the public hearing, with second by Council Member Fox the motion passed unanimously. Council Member Fox moved to approve the special use permit to install a cellular antenna on a utility pole in the public right-of-way of Lay Road adjacent to 35 Fair Oaks, with second by Council Member Burroughs the motion passed unanimously.

PH3: The City Council will hold a Public Hearing regarding a request for a Special Use Permit to install a cellular antenna on a utility pole in the public right-of-way of Ladue Road adjacent to 9530 Ladue Road. Proposed antenna is 77' in height in the B residential zoning district.

Council Member Burroughs moved to open the public hearing, with second by Council Member Fox the motion passed unanimously. Mayor Spewak announced that this application was forwarded to the Council from the Zoning & Planning Commission without recommendation.

Ms. Seele announced that the notice for the hearing, the entire Code of Ordinances including Ordinance 1175, the entire file including the application, Zoning & Planning Commission recommendation and staff report was available and made part of the official record.

Council Member Burroughs moved to close the public hearing, with second by Council Member Hensley the motion passed unanimously. Council Member Burroughs moved to approve the special use permit to install a cellular antenna on a utility pole in the public right-of-way of Ladue Road adjacent to 9530 Ladue Road, with second by Council Member Hensley the motion passed unanimously.

**New Business:
Proposed Legislation:**

Bill 2303 – An ordinance of the City of Ladue amending Division 1 of Article II of Chapter 34 Section 344-22 – Fire Code Amendments of the City of Ladue Code of Ordinances

Mayor Spewak read Bill No. 2303 followed by a second reading by Council Member Hensley.

Council Member Hensley moved approval of Bill No. 2303. Upon second by Council Member Brennan the roll call vote thereupon was as follows:

Council Member Brennan	“Aye”
Council Member Burroughs	“Aye”
Council Member Fox	“Aye”
Council Member Hensley	“Aye”
Council Member Howell	“Aye”
Council Member Kamps	“Aye”

There being six aye votes and zero nay votes the motion passed unanimously.

Resolution 2022-11 – A resolution authorizing the mayor to execute on behalf of the City of Ladue, Missouri a contract with Missouri Petroleum Products Company LLC for the 2022 Micro surfacing Project

Council Member Fox moved to adopt Resolution No. 2022-11, with second by Council Member Burroughs the motion passed unanimously.

Resolution 2022-12 – A resolution authorizing the mayor to execute on behalf of the City of Ladue, Missouri an amendment to the professional services contract with Zobrio, Inc. for information technology support services.

Council Member Hensley moved to adopt Resolution No. 2022-12, with second by Council Member Howell the motion passed unanimously.

Financial Matters:

The Mayor and Council reviewed the Vouchers for Payment for the month of March 2022. Council Member Fox moved their approval, upon second by Council Member Burroughs the motion passed unanimously.

The Mayor and Council reviewed the Collector’s Report for March 2022. The mayor ordered the report filed for information.

The Mayor and Council reviewed the Treasurer’s Report for March 2022. The mayor ordered the report filed for information.

The Mayor and Council reviewed the Cash Flow Summary for March 2022. The mayor ordered the report filed for information.

The Mayor and Council reviewed the Delinquent Real Estate Tax Report for March 2022. The mayor ordered the report filed for information.

Department Reports:

Fire Department: The Mayor and Council reviewed the Fire Department Activity Report for March 2022, and the 2021 Annual Report. The mayor ordered the report filed.

Police Department: Mayor and Council reviewed the Police Activity Report for the period January 1 – March 31st, 2022, and the 2021 Annual Report. The mayor ordered the report filed.

Public Works & Building: Mayor and Council reviewed the report of the Director of the Public Works Department for March 2022. The mayor ordered the report filed.

Capital Fund Purchase – Leaf Vacuum

Council Member Hensley moved to approve the purchase of a leaf vacuum, upon second by Council Member Kamps, the motion carried unanimously.

Ratification of Change Order #1 for the Building and Public Works Facilities Renovation Project and Budget Review/

Council Member Hensley moved to approve change order #1 in the amount of \$42,821.00, upon second by Council Member Burroughs, the motion carried unanimously.

Municipal Court: Mayor and Council reviewed the report of the Municipal Court for March 2022. The mayor ordered the report filed.

City Attorney: Nothing to report currently.

Closed Session: Mayor Spewak advised there were items for discussion in executive session involving legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys pursuant to RSMO 610.021(1);

Council Member Burroughs moved to enter in to closed session to discuss matters involving legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys pursuant to RSMO 610.021(1); upon second by Council Member Fox the roll call vote there upon was as follows:

Council Member Burroughs	“Aye”
Council Member Fox	“Aye”

Council Member Hensley	"Aye"
Council Member Howell	"Aye"
Council Member Kamps	"Aye"
Council Member Brennan	"Aye"

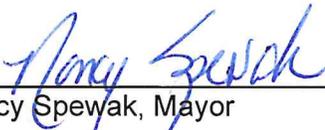
There being six aye votes and zero nay votes the motion passed unanimously.

Council went into closed session at 6:35 p.m. with Ms. Stacey Mann, Ms. Erin Seele, and Ms. Anne Lamitola.

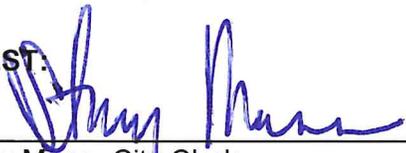
Council returned to open session at 6:39 p.m. with Ms. Stacey Mann, Ms. Erin Seele, and Ms. Anne Lamitola.

Adjournment: Council Member Burroughs moved adjournment, with second by Council Member Hensley the motion passed unanimously. The meeting adjourned at 6:40 P.M.

APPROVED THIS 16th DAY OF MAY 2022.



Nancy Spewak, Mayor

ATTEST: 

Stacey Mann, City Clerk